



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.A.(MD) No.225 of 2015
and
M.P.(MD) No.1 of 2015

The Management
rep.by its General Manager
Tamil Nadu State Transport Corporation Ltd.,
Karaikudi ... Appellant / Petitioner
-vs-

1.M.Iqbal
2.The Presiding Officer
Labour Court, Madurai ... Respondents / Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 26.04.2013 made in W.P.(MD) No.12105 of 2009.

Prayer in WP(MD). 12105/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records pertaining to the order passed by the Labour Court, Madurai, in I.D.no. 126 of 1995 dated 18/09/2008, and quash the same as illegal and invalid.

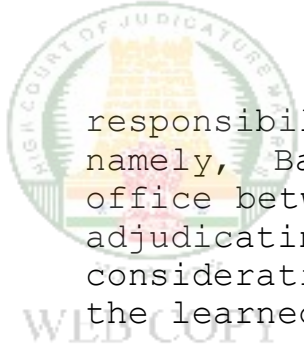
For Appellant :Mr.D.Sivaraman
For Respondents :Mr.S.Deenadhayan for R1
R2-Court

J U D G M E N T

[Judgment of the Court was made by M.SATHYANARAYANAN, J.]

The Management, aggrieved by the dismissal of the writ petition in W.P.(MD) No.12105 of 2009, in and by which the Award dated 18.09.2008 in I.D.No.126 of 1995 passed by the second respondent in favour of the first respondent came to be confirmed, has preferred this writ appeal.

2. The learned counsel appearing for the appellant has invited the attention of this Court to the additional typed set of papers, dated 15.04.2015, and submitted that as per the enquiry report the first respondent is also mulcted with the liability and



responsibility for the reason that along with the Storekeepers, namely, Balaraman and Vaithialingam, he was in-charge of the office between 09.01.1988 and 04.06.1988. The Labour Court, while adjudicating the industrial dispute, has not taken into consideration the above fact and passed a cryptic order. Hence, the learned counsel prays for interference of this Court.

3. This Court, on going through the enquiry report, especially Page No.10, is of the view that except stating that the first respondent was in-charge of the concerned office between 09.01.1988 and 04.06.1988, the Enquiry Officer has not given any specific finding as to the delinquency on the part of the first respondent.

4. The learned Single Judge, while dismissing the writ petition, has taken note of the legal position with regard to the appreciation of findings rendered by the Labour Court and ultimately dismissed the writ petition and upheld the Award passed by the second respondent.

5. The findings rendered by the Labour Court as well as by the Single Bench of this Court, insofar as the first respondent is concerned, are concurrent findings. This Court, in exercise of its jurisdiction under Clause 15 of Letters Patent, cannot go into the legality of the factual findings rendered by the Labour Court as confirmed by the Single Bench of this Court.

6. The learned counsel appearing for the first respondent would submit that simultaneously criminal prosecution was also launched against the first respondent and the said criminal proceedings were quashed by this Court vide order, dated 30.06.2015 in CrI.O.P.(MD) No.20172 of 2013 and that the civil suit filed for recovery of loss is also pending.

7. In the light of the facts and circumstances coupled with the reasons assigned therein, this Court is of the considered view that the writ appeal deserves for dismissal.

8. In the result, the writ appeal is dismissed confirming the order dated 26.04.2013, passed in W.P.(MD) No.12105 of 2009. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/



To:

1. The Presiding Officer,
Labour Court, Madurai.

2. The Section Officer, Judicial Section
Madurai Bench of Madras High court, Madurai.

+1cc to Mr.S.Deenadhayalan, Advocate SR.No.50595

+1cc to Mr.D.Sivaraman, Advocate SR.No.50601

krk

sm:GSV-PM:26/09/2016:3P/5C

W.A. (MD) No.225 of 2015

and

M.P. (MD) No.1 of 2015